

MELODY A. KRAMER, SBN 169984
KRAMER LAW OFFICE, INC.
9930 Mesa Rim Road, Suite 1600
San Diego, California 92121
Telephone (858) 362-3150
mak@kramerlawip.com

J. MICHAEL KALER, SBN 158296
KALER LAW OFFICES
9930 Mesa Rim Road, Suite 200
San Diego, California 92121
Telephone (858) 362-3151
michael@kalerlaw.com

Attorneys for Plaintiff JENS ERIK SORENSEN,
as Trustee of SORENSEN RESEARCH AND
DEVELOPMENT TRUST

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

JENS ERIK SORENSEN, as Trustee of)	Case No. 08 cv 304 BTM CAB
SORENSEN RESEARCH AND)	
DEVELOPMENT TRUST,)	PLAINTIFF'S NOTICE OF MOTION AND
)	MOTION TO MODIFY PATENT LOCAL
Plaintiff)	RULES SCHEDULE TO ACCELERATE
v.)	IDENTIFICATION OF CLAIMED
)	INVALIDATING PRIOR ART
)	
METABO CORPORATION, a Delaware)	Date: June 20, 2008
Corporation; METABOWERKE GMBH,)	Time: 11:00 a.m.
a German Corporation; and DOES 1 –)	Hon. Barry T. Moskowitz
100,)	
)	NO ORAL ARGUMENTS UNLESS
Defendants.)	ORDERED BY THE COURT
)	

1 TO ALL PARTIES HEREIN AND THEIR ATTORNEYS OF RECORD:

2 NOTICE IS HEREBY GIVEN that on the date and time listed above, or as
3 soon thereafter as the matter may be heard, before the Honorable Barry Ted
4 Moskowitz, Plaintiff JENS E. SORENSEN, as TRUSTEE OF THE SORENSEN
5 RESEARCH AND DEVELOPMENT TRUST, hereby moves the Court to modify
6 patent local rules schedule to accelerate identification of claimed invalidating prior
7 art. The motion is based on the following grounds:

8 1. The stays pending PTO reexamination of the subject '184 patent have
9 been based on the expectation that the Court is shifting the patent validity issue to
10 the PTO so that all prior art presented to the Court will have been first considered by
11 the PTO.

12 2. The Court's expectation cannot be met if the other defendants asserting
13 invalidity of the '184 patent due to invalidating prior art do not identify that prior art
14 in time for it to be considered by the PTO during the pending reexaminations.

15 This motion is based upon this Notice, and the concurrently filed documents in
16 support thereof: Memorandum of Points and Authorities; and Declaration of Melody
17 Kramer.

18 RESPECTFULLY SUBMITTED this Friday, April 04, 2008.
19

20 JENS ERIK SORENSEN, as Trustee of
21 SORENSEN RESEARCH AND DEVELOPMENT
22 TRUST, Plaintiff

23 /s/ Melody A. Kramer

24 Melody A. Kramer, Esq.

25 J. Michael Kaler, Esq.

26 Attorneys for Plaintiff
27
28

Proof of Service

I, Melody A. Kramer, declare: I am and was at the time of this service working within in the County of San Diego, California. I am over the age of 18 year and not a party to the within action. My business address is the Kramer Law Office, Inc., 9930 Mesa Rim Road, Suite 1600, San Diego, California, 92121.

On Friday, April 04, 2008, I served the following documents:

**PLAINTIFF'S NOTICE OF MOTION AND MOTION TO MODIFY PATENT LOCAL
RULES SCHEDULE TO ACCELERATE IDENTIFICATION OF CLAIMED
INVALIDATING PRIOR ART**

**DECLARATION OF MELODY A. KRAMER IN SUPPORT OF PLAINTIFF'S MOTION
TO MODIFY PATENT LOCAL RULES SCHEDULE TO ACCELERATE
IDENTIFICATION OF CLAIMED INVALIDATING PRIOR ART**

**MEMORANDUM OF POINTS & AUTHORITIES IN SUPPORT OF PLAINTIFF'S
MOTION TO MODIFY PATENT LOCAL RULES SCHEDULE TO ACCELERATE
IDENTIFICATION OF CLAIMED INVALIDATING PRIOR ART**

PERSON(S) SERVED	PARTY(IES) SERVED	METHOD OF SERVICE
Jeffrey D. Lewin Sullivan, Hill, Lewin, Rez & Engel 550 West "C" Street, Suite 1500 San Diego, CA 92101 lewin@shlaw.com	Metabo Corporation	Email--Pleadings Filed with the Court via CM/ECF
Arnold Rosenblatt Cook, Little, Rosenblatt & Manson 650 Elm Street Manchester, NH 03101	Metabo Corporation	Email--Pleadings Filed with the Court via CM/ECF
Daniel J. Bourque Bourque & Associates Intellectual Property Attorneys 835 Hanover Street, Suite 301 Manchester, NH 03104	Metabo Corporation	Email--Pleadings Filed with the Court via CM/ECF

- 1 ☐ (Personal Service) I caused to be personally served in a sealed envelope hand-delivered
2 to the office of counsel during regular business hours.
- 3 ☐ (Federal Express) I deposited or caused to be deposited today with Federal Express in a
4 sealed envelope containing a true copy of the foregoing documents with fees fully
5 prepaid addressed to the above noted addressee for overnight delivery.
- 6 ☐ (Facsimile) I caused a true copy of the foregoing documents to be transmitted by
7 facsimile machine to the above noted addressees. The facsimile transmissions were
8 reported as complete and without error.
- 9 ☐ (Email) I emailed a true copy of the foregoing documents to an email address
10 represented to be the correct email address for the above noted addressee.
- 11 ☒ (Email--Pleadings Filed with the Court) Pursuant to Local Rules, I electronically filed
12 this document via the CM/ECF system for the United States District Court for the
13 Southern District of California.
- 14 ☐ (U.S. Mail) I mailed a true copy of the foregoing documents to a mail address
15 represented to be the correct mail address for the above noted addressee.

16 I declare that the foregoing is true and correct, and that this declaration was executed on Friday,
17 April 04, 2008, in San Diego, California.

18 DATED this Friday, April 04, 2008.

19 /s/ Melody A. Kramer
20 Melody A. Kramer